Remarks

This is in response to the non-final Office Action mailed on February 26, 2004. Claims 4-6, 21, 23, and 24 have been canceled without prejudice or disclaimers, and claims 1, 8, 17, 22, and 33-39 have been amended. Claims 1-3, 7-20, 22, and 25-39 remain pending. Reconsideration and allowance are respectfully requested in view of the following remarks.

I.   Preliminary Remarks Regarding Claim Amendments

Claim 1 has been amended to incorporate subject matter from claims 4-6. Claim 17 has been amended to incorporate subject matter from claims 21, 23, and 24. Claims 8, 22, and 33-39 have been editorially amended to address informalities and/or change dependencies. None of the amendments to claims 8, 22, and 33-39 is meant to limit the scope of these claims in any manner.

II.   Claim Objections

In section 2 of the Action, claim 22 was objected to because of an informality. The Examiner's assistance in identifying this typographical error is appreciated. Claim 22 has been amended to address the informality. Removal of the objection is respectfully requested.

III.   Claim Rejections - 35 U.S.C. § 102

In section 4 of the Action, claims 1-8, 16-24, and 32 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hawkins, U.S. Patent No. 6,536,035. This rejection is respectfully traversed, and the correctness of the rejection is not conceded.

Claim 1 is directed to a software engine for application loading a software application onto a user's machine. Claim 1 recites that a core service of the application is loaded onto the user's machine to enable the application to commence to operate on the user's machine, the engine subsequently loading non-core services of the application according to a priority order determined by the engine. Claim 1 further recites that a non-core service is responsible for providing a functionality of the application and corresponds to a user interaction with the application during run-time, and that, in response to the user interaction during run-time, corresponding non-core services are designated a top priority in the priority order such that functionality of the application is enabled.

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It is advantageous to configure a software engine as recited in claim 1 so that the software engine can be responsive to a user's needs at run-time. This allows the software engine to efficiently adapt to different user interaction to provide functionality at desired times. See, for example, page 7, lines 13-21 of the present application.

Hawkins discloses an archival tool that examines a program to determine an archival scheme for the division of components of the program into "archive files" or "jar files" that are subsequently delivered to a user. Hawkins, col. 3, lines 43-51. The division of the archived files is pre-determined using one of three methods disclosed by Hawkins: (1) determining a logical break in the program (col. 3, lines 57-64); (2) determining distinct categories of users who only require certain elements of the application code (col. 5, lines 33-42); and (3) determining certain features that would be available before other features (col. 5, lines 44-54). Based on one of these three methods, the components of the program are archived in a pre-determined manner for subsequent delivery to a user.

In contrast to the archival tool disclosed by Hawkins, claim 1 recites that, in response to the user interaction during run-time, corresponding non-core services are designated a top priority in the priority order such that functionality of the application is enabled. Hawkins fails to disclose or suggest designation of priorities based upon user interaction during run-time. Instead, Hawkins simply discloses methods for pre-determination of the archival structure of components for the transmission to the client.

The rejection cites column 4, lines 23-39 of Hawkins as disclosing a priority order given to non-core services required to be on the user's machine as a result of interaction. Action, page 3, lines 13-19. This characterization of Hawkins is respectfully traversed.

This section of Hawkins does not disclose or suggest designating priority in response to user interaction during run-time, as recited by claim 1. Instead, this section describes how delivery of the components in accordance with the Hawkin's pre-determined archival scheme can result in components being delivered during "natural" breaks in the flow of execution of the program. Hawkins, col. 4, lines 32-36. There is no suggestion in Hawkins that delivery is predicated on user interaction at run-time, as recited by claim 1.

For at least these reasons, reconsideration and allowance of claim 1, as well as claims 2, 3, 7, 8, and 16 that depend therefrom, are respectfully requested.

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Claim 17 is directed to a method of loading a software application onto a user's machine using a software engine. Claim 17 recites loading onto the user's machine core services of the application to enable the user to interact with the application, and loading non-core services of the application according to a priority order determined by the engine. Claim 17 further recites that a non-core service is responsible for providing a functionality of the application and corresponds to a user interaction with the application during run-time, and that, in response to the user interaction during run-time, corresponding non-core services are designated a top priority in the priority order such that functionality of the application is enabled.

Claim 17 should be allowable for at least reasons similar to those noted above with respect to claim 1. Reconsideration and allowance of claim 17, as well as claims 18-20, 22, and 32 that depend therefrom, are respectfully requested.

IV.   Claim Rejections - 35 U.S.C. § 103

In section 6 of the Action, claims 9-15, 25-31, and 33-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hawkins in view of Judge et al., U.S. Patent No. 6,430,570. This rejection is respectfully traversed, and the correctness of the rejection is not conceded.

However, claims 9-15, 25-31, and 33-39 all depend from claims 1 and 17, respectively. Judge fails to remedy the shortcomings noted above with respect to Hawkins. Therefore, claims 9-15, 25-31, and 33-39 should be allowable for at least the same reasons as those provided above for claims 1 and 17. Reconsideration and allowance are respectfully requested.
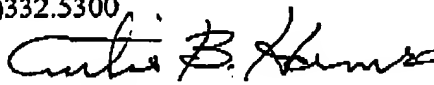
V.   Conclusion

The remarks set forth above provide certain arguments in support of the patentability of the pending claims. There may be other reasons that the pending claims are patentably distinct over the cited references, and the right to raise any such other reasons or arguments in the future is expressly reserved.

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Favorable reconsideration in the form of a Notice of Allowance is respectfully requested. The Examiner is encouraged to contact the undersigned attorney with any questions regarding this application.

Respectfully submitted,

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